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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,156	03/03/2004	Becky S. Hughes	29158.00	3707

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KNOXVILLE, TN 37950-1295

EXAMINER

SPISICH, MARK

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/792,156

Applicant(s)

HUGHES, BECKY S.

Examiner

Mark Spisich

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1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 recites “an elongated handle” and “a handle”, while claim 1 already positively recited an elongated handle. If this is meant to refer to the same element, claim 2 should be amended to eliminate any such ambiguity. Applicant should review the claims for any additional informalities.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Klaus (USP 1,704,329). The patent to Klaus discloses a scraper comprising an elongated handle (8) and a blade (3) having a section (7) connecting to the handle and at least one contoured scraping edge. A recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

4. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Wade (USP 5,740,577). The patent to Wade discloses a scraper (10) comprising an

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elongated handle (12) and a blade (14) comprising at least one contoured edge (16,22,24).

5. Claims 1,2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Loos (USP 4,297,761). The patent to Loos discloses a scraper (10) comprising an elongated handle (14) and a blade (18) comprising at least one contoured edge (eg, 20).

6. Claims 1,2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Stroud (USP 1,579,495). The patent to Stroud discloses an elongated handle (2) and a blade (1) having at least one contoured edge.

7. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Parry (USP Des 208,190). The patent to Parry discloses a scraper comprising an elongated handle (the enlarged bead extending along the upper edge of the scraper) and a blade having at least one contoured edge.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1,4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman (USP Des 34,272) in view of Norton (USP Des 26,798). The patent to Hoffman discloses a manual scraper comprising a blade (1) comprising a linear edge (5), a concave edge (6) and a convex edge (3). The patent to Hoffman discloses the

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invention substantially as claimed with the exception of an elongated handle coupled to the blade. The patent to Norton discloses a analogous scraping tool which may optionally be provided with an elongated handle (G) (see lines 26-27). It would have been obvious to one of ordinary skill to have provided the device of Hoffman with such a handle to that the user's hand would be spaced from the article being cleaned.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman (USP Des 34,272) in view of Parry (USP Des 208,190). The patent to Hoffman discloses a scraping blade (1) having a linear edge (5) and a convex (3) and concave (6) edge at opposed ends of the linear edge. The patent to Hoffman discloses the invention substantially as claimed with the exception of the elongated handle. The patent to Parry discloses a similar which is provided with an elongated bead (or "handle") along an upper edge of the scraper blade. It would have been obvious to one of ordinary skill to have provided such a handle or bead to the upper edge of the blade of Hoffman so as to blunt any edges that might be gripped by the user.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited patents are each pertinent to manual scrapers having contoured edges.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Spisich  
Primary Examiner  
Art Unit 1744

MS